THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.291 OF 2004

DATED 7th SEPTEMBER, 2006

BETWEEN

Sri Poolugari Narasimhulu

… Petitioner

and

The Revenue Divisional Officer, Tirupati, Chittoor District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.291 OF 2004

ORDER:

The petitioner filed the instant writ petition seeking a writ of Mandamus directing the respondents, namely, the Revenue Divisional Officer, Tirupati (RDO) and Mandal Revenue Officer, Tirupati (Rural) Mandal (MRO), not to dispossess the petitioner from the land admeasuring Acs.7.38 cents in survey No.211 of Daminedu village, Tirupati (Rural) Mandal.

It is the case of the petitioner that the subject lands are inam lands of Thadakamallam Narasinhacharyulu, who gave the same to the father of the petitioner on permanent lease on 21.06.1934. It is also alleged that subsequently on 21.09.1943, petitioner's father purchased the property and since then his father and thereafter, the petitioner has been in possession of the land. It is also alleged that after coming into force of A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Inams Act, for brevity), the settlement officer gave a ryotwari patta on 13.07.1957 in favour of the petitioner's father. The petitioner inherited the property after demise of the father. It is also alleged that respondents are continuously interfering with the possession of the land claiming it to be Government land, without following due process of law. Hence, the present writ petition.

This Court while admitting the writ petition on 07.01.2004 passed orders in W.P.M.P.No.398 of 2004 directing that the petitioner shall not be dispossessed without following due process of law and without issuing notice. An application being W.V.M.P.No.1072 of 2006 is filed along with counter affidavit praying this Court to vacate the interim order. The matter is finally heard with the consent of both the counsel and is being disposed of by this order.

The MRO in his counter affidavit stated that Daminedu village is Inam Estate taken over by the Government on 25.09.1961 under the provisions of A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Estates Act, for brevity) and after completion of the settlement operations, the same was notified on 15.02.1962. After due enquiry, 205 rough pattas were granted, which were subsequently

confirmed by the settlement authorities. However, the name of the father of the petitioner is not found in the list of ryotwari pattaholders and the land admeasuring Acs.7.38 guntas in survey No.211 of Daminedu village is classified as AWD (Anadeenam) and vested with the Government. As the land is classified as AWD, provisions of Estate Act alone apply and the provisions of Inams Act have no application. It is also stated that subsequent to the orders of this Court dated 07.01.2004, the MRO issued notice under Section 7 of A.P.Land Encroachment Act, 1905 (Encroachment Act, for brevity), that the petitioner appeared before the MRO on 14.03.2006 and stated that he never cultivated the land and that there are no structures, trees or standing crops. Though, he has stated that his father purchased the land on 21.09.1943, it is alleged that petitioner did not produce any documentary evidence and after considering all aspects, the MRO passed orders on 16.03.2006 informing the petitioner that he is not in possession and enjoyment of the land and that the land continues to vest with the Government.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). The writ petition is filed mainly on the ground that there is an attempt by the respondents to dispossess the petitioner without following due process of law. Whatever be the nature of the land or whatever be the nature of the right of the petitioner, now that a notice, dated 26.02.2006 is issued, followed by an endorsement, dated 16.03.2006 to the effect that the petitioner is not in possession and enjoyment of the land, nothing survives in the writ petition. If the petitioner is aggrieved by the endorsement, dated 16.03.2006, which was purportedly issued after hearing the petitioner, the petitioner's remedy lies in filing an appeal before the Revenue Divisional Officer. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO,J)

07.09.2006.
pln